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Docket No.: M4065.0958/P958
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Thomas W. Voshell

Application No.: 10/681,161

Confirmation No.: 6441

Filed: October 9, 2003

Art Unit: 2824

For: AC SENSING FOR A RESISTIVE MEMORY

Examiner: T. T. Nguyen

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed October 18, 2005 (Paper No. 101705), Applicant hereby elects Group I, claims 1-6, 15 and 18, for continued examination, with traverse.

The Commissioner may require restriction if two or more independent and distinct inventions are claimed in one application (35 U.S.C. §121). M.P.E.P. § 803, however, directs as follows (emphasis added): "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." The directive should be followed by the examiner in this case.

The total number of claims would also not be a serious burden. Group II comprises only eight claims, which would not pose a serious burden on examination if

added to the eight claims of Group I. The Examiner is respectfully urged to withdraw the outstanding restriction requirement and examine each of the pending claims. Furthermore, claims 16-17 were not included in the restriction requirement, but should be examined along with Group I, and would also not constitute a serious burden.

The Examiner is respectfully urged to withdraw the outstanding restriction requirement and examine each of the pending claims.

Allowance of the application is respectfully solicited.

Dated: November 10, 2005

Respectfully submitted,

By 

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